

CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 1602

A By-law authorizing the Corporation to accept certain lands from the Western Power Company of Canada Limited for and to the use of the Municipality.

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WHEREAS the Western Power Company of Canada Limited is the registered owner of the lands and premises in the Municipality of Burnaby, Province of British Columbia, hereinafter particularly described, being parts or portions of Lots 1 to 7 inclusive and 10 of Lot 15, Group 1, New Westminster District.

AND WHEREAS the said lands and premises lie between the remainder of the said lots and a public highway sometime known as Johnston Road and now known as Broadway in the said Municipality of Burnaby.

AND WHEREAS it is desired that the owner or owners of the said Lots 1 to 7 inclusive and 10 shall have access to the said Johnston Road or Broadway across the said lands and premises and for this purpose the Western Power Company of Canada Limited has agreed to convey the said lands and premises to the Corporation for highway purposes subject to its right of ingress and egress over and across the said lands and premises for the purpose of constructing, operating and maintaining and if necessary replacing towers, poles, wires and other structures for the transmission of electrical energy and generally for the doing of all acts necessary or incidental to its business.

AND WHEREAS under Section 59, Subsection 17 A of the Municipal Act, being Chapter 199 of the Revised Statutes of British Columbia 1936, the Council of a Municipality may pass a By-law for the purpose of acquiring, leasing or accepting lands rights, easements, or privileges from the Dominion or Provincial Governments or from any person for and to the use of the Municipality.

AND WHEREAS the Corporation of the District of Burnaby

desires to accept from the said Western Power Company of Canada Limited a conveyance for highway purposes of the said lands and premises subject to the said Company's rights of ingress and egress and of operating and maintaining and if necessary replacing its structures thereon so that access to and egress from the said lots 1 to 7 and 10 from and to the said Johnston Road or Broadway may be made available to the owner or owners of the said lots.

AND WHEREAS the price or value of the said land and premises is under the sum of Two Thousand Dollars (\$2,000.00).

AND WHEREAS Hugh Murray Fraser was appointed Commissioner of the Corporation of the District of Burnaby on the 9th day of February 1934 under Part XXIII of the Municipal Act and as such has power to pass such By-laws as might be passed by the Council of the Municipality.

THEREFORE the said Commissioner acting as such and in exercise of all the powers in that behalf him thereunto enabling ENACTS AS FOLLOWS:--

1.- It shall be lawful for the Corporation of the District of Burnaby and the said Corporation is hereby authorized to accept from the Western Power Company of Canada Limited and in consideration of the sum of One dollar a Grant of Conveyance for highway purposes of the lands and premises situated in the Municipality of Burnaby, in the Province of British Columbia, more particularly described as follows:

Part (Three hundred and five thousandths (0.305) of an Acre more or less) of Lots Six (6) and Seven (7) of part of Lot Fifteen (15) Group One (1) Map 209 lying within the following described boundaries:- Commencing at a post planted at the South East corner of Lot numbered Seven(7) thence South Sixty-six degrees Thirty minutes (66°30') West magnetic along the Northerly limit of the Johnston Road Five Hundred and thirty-one and two-tenths (531.2) feet more or less to the South West corner of Lot numbered Six (6) thence North Twenty-three degrees Thirty minutes (23°30') West magnetic along the Westerly boundary of Lot numbered Six (6) Twenty-five (25) feet, thence North Sixty-six degrees Thirty minutes (66°30') East magnetic Five hundred and thirty-one and two-tenths (531.2) feet more or less to a point on the easterly boundary of Lot numbered Seven (7) distant Twenty-five (25) feet measured Northerly from the South East corner thereof thence

South Twenty-three degrees Thirty minutes (23°30') East magnetic Twenty-five (25) feet to point of commencement as shewn colored Red on Sketch deposited No. 991. PART (Four hundred and fifty-six thousandths (0.456) of an Acre more or less) of Lot Ten (10) of part of Lot Fifteen (15) Group One (1) Map 209 lying within the following described boundaries : Commencing at a post planted at the South East corner of Lot Ten (10) thence South Sixty-six degrees Thirty minutes (66°30') West magnetic along the Northerly limit of the Johnston Road Seven hundred and ninety-five (795) feet more or less to the South West corner of Lot Ten (10) thence North Twenty-three degrees Thirty minutes (23°30') West Magnetic along the Westerly boundary of Lot Ten (10) Twenty-five (25) feet thence North Sixty-six degrees Thirty minutes (66°30') East magnetic Seven hundred and ninety-five (795) feet more or less to a point on the East boundary of Lot Ten (10) Twenty-five (25) feet measured Northerly from the South East corner thereof thence South Twenty-three degrees Thirty minutes (23°30') East magnetic Twenty-five (25) feet to point of commencement as shewn colored Red on Sketch deposited No. 965. PART (Seven hundred and fifty-seven thousandths (0.757) of an Acre more or less) of Lots One (1) Two (2) Three (3) Four (4) and Five (5) of part of Lot Fifteen (15) Group One (1) Map 209 lying within the following described boundaries:-Commencing at a post planted at the South East corner of Lot Five (5) thence south Sixty-six degrees Thirty minutes (66°30') West magnetic along the northerly limit of the Johnston Road Thirteen Hundred and nineteen (1319) feet more or less to the South West Corner of Lot One (1) thence North Twenty-three degrees Thirty minutes (23°30') West magnetic along the Westerly boundary of Lot One (1) Twenty-five (25) feet, thence North Sixty-six degrees thirty minutes (66°30') East magnetic Thirteen hundred and nineteen (1319) feet more or less to a point on the Easterly boundary of Lot Five (5) distant Twenty-five (25) feet measured Northerly from the South East Corner thereof thence south Twenty-three degrees Thirty minutes (23°30') East magnetic Twenty-five (25) feet to point of commencement as shewn colored Red on Sketch deposited No. 2411, in the District of New Westminster.

2.- It shall be lawful for the said Corporation and the said Corporation is hereby authorized to accept the said Conveyance subject to the right of the said Western Power Company of Canada Limited, its servants employees and all other the licencees of the said Company at all times to have ingress and egress over and across the said lands and premises for the purpose of constructing, operating and maintaining and, if necessary replacing towers, poles, wires and other structures for the transmission of electrical energy and generally for the doing of all acts necessary or incidental to the business of the said Western Power Company of Canada Limited, and to register the said Grant and Conveyance of the said lands and premises on behalf of the Corporation of the District of Burnaby for highway purposes.

3.- The said lands and premises upon registration of the said Grant and Conveyance thereof be and are hereby dedicated to the public as a highway subject to the aforesaid rights of the said Western Power Company of Canada Limited.

This by-law shall not come into force and effect unless and until it is approved by the Lieutenant-Governor in Council as required by law.

This by-law may be cited for all purposes as the "District of Burnaby Land Acceptance and Dedication By-law 1937"

DONE & PASSED this eleventh (11th) day of August 1937

RECONSIDERED & FINALLY PASSED this eighteenth (18th) day of August 1937.



*Nugby M. Fraser*  
COMMISSIONER.

*Charles B. Brown*  
CLERK.

I, Charles B Brown, Clerk of the Corporation of the District of Burnaby do hereby certify the foregoing to be a true copy of a by-law passed by the Commissioner for the Corporation of the District of Burnaby on the 18th day of August. 1937.

*Charles B. Brown*  
Clerk.